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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,099	04/11/2001	Gregory J. Speicher	935-012	1374

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EXAMINER

PIZARRO, RICARDO M

ART UNIT PAPER NUMBER

2616

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/833,099	Applicant(s) SPEICHER, GREGORY J.	
	Examiner Ricardo Pizarro	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4 , 6, 9, 11-12, 14, 17, 19-20 , 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,272, 467 (Durand) in view of US patent No.5,848,396 (Gerace)

Regarding claims 3 , 11 19, 23 Durand discloses a method for a computer based advertising system, said method comprising the steps of: administering to a first user a first test via a computer network where said first test includes at least visual images to said first user(User access is not so limited and the output of the system could be directed to a video display - visual images)- with choices made from a keyboard, col 18 lines 65-67, col 19 lines 1-3) and receiving preferences based on those options (the system prompts a user to select options corresponding to the user's personal traits and the traits of the person he/she wants to meet, col 6 lines 29-33) storing said first user's preferences and generating a profile of said first user according to the visual preferences of said user (a preferences profile from the user is stored in a memory 18 in Fig. 2, col 6 lines 48-52).

Administering to a second user a second test via a telecommunication network

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generating a profile of said second user according to the results of the second test and comparing said profile of said first user to said profile of said second user (the same steps applied to the second user since the system includes a plurality of users being administered test) and matching said first user with said second user according to visual preferences whenever said profile of said first user matches said profile of said profile of said second user (a determination is made whether a potential match meets the basic level of compatibility to be matched with the user, col 12 lines 52-53)

Durand does not specifically disclose the Internet being the network of choice, as in claims 3, 11, and 19.

However, Gerace discloses a Method and apparatus for determining behavioral profile of a computer user comprising **creating a psychographic profile of the user based on the user preferences selected by that user, the users's preferences being recorded by the program** (col 2 lines 6-9 and 16-18, col 7 lines 50 and 53). **Gerace discloses both audio and video capabilities for a preferences monitoring being the Internet the network of choice** (col 4 line 51), as in claims 3, 11, 19 .

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Durand system by adding to it the capability of collecting and storing psychographic profiles of users based on selections of images that they view , in order to enhance user profile description.

The motivation to do so is to increase the chances of obtaining potential matches who are more compatible.

Regarding claims 4, 12, and 20, wherein said method further comprises the step of: said system notifying said first user of said matching (col 9 lines 35-39).

Regarding claims 6 , 14, and 22 Durand discloses wherein said notifying is performed via telephone (matches can be retrieved via telephone by the user, col 18 lines 60-61 and 65) .

Regarding claims 9, 17 and 25 Durand discloses, wherein said visual images include a video display with choices (col 19 lines 1-2).

3. Claims 5 ,13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,272, 467 (Durand) in view of US patent No. US patent no. 5,848,396 (Gerace) and in further view of US patent no. 5,950,200 (Sudai)

Durand and Gerace do not specifically disclose the notifying being via email, as in claims 5 ,13 and 21.

However Sudai discloses a Method and apparatus for detection of reciprocal interest and subsequent notification, comprising notifying users via electronic mail (col 6 line 67) , as in claims 5 ,13, and 21.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Duran and Gerace by notifying users via email in order to speed up the notification process.

The motivation to do so is to have a written confirmation of the notification to the user.

4. Claims 7-8, 15-16 and 23-24, are rejected under 35 U.S.C.

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103(a) as being unpatentable over US patent No. 6,272, 467 (Durand) in view of US patent No. US patent no. 5,848,396 (Gerace).

Durand and Gerace do not specifically disclose wherein said method further comprises the step of said first user contacting said second user via electronic mail. as in claims 7,15 and 23, wherein said method further comprises the step of: said first user contacting said second user via telephone, as in claims 8, 16 and 24.

However it would have been obvious to one of regular skill in the art to modify Duran and Gerace by providing different means to the user to contact themselves such as via e-mail, telephone, fax, text messages, visual displays , postal mail and any media available in order to facilitate the user to contact his/her possible matches.

The motivation to do is to offer an increased number of contact options to the user .

5. Claims 10, 18, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,272, 467 (Durand) in view of US patent No. 5,848,396 (Gerace) and in further view of US patent No.5,835,087 (Herz)

Durand and Gerace do not specifically disclose wherein said matching occurs with a partial match of said first and second user's preferences., as in claims 10, 18, and 26.

However Herz discloses a System for generation of profiles , comprising matching between users occurs with a partial match of said first and second user's preferences (system is fault tolerant and also allows partial matching of users, col 71 lines 47-48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Durand and Gerace by having partial matching between user's to have an expanded matching range between users.

The motivation to do so is to match user in system even if not all resources or preferences are available at the time of the matching.

.Response to Arguments

6. Applicant argues that claims as amended overcome rejection under Durand in view of Gerace since Durand fails to disclose the use of visual display to the user (Page 17 of the response). Examiner disagrees since Durand discloses a visual display element to the user . Please refer to col 18 lines 65-67, col 19 lines 1-3.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

.(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 22- 20th Street S, Crystal Plaza Two, Lobby, Room 1B03, Arlington , VA 22202 (Customer window).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is **(571) 272-3077**. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

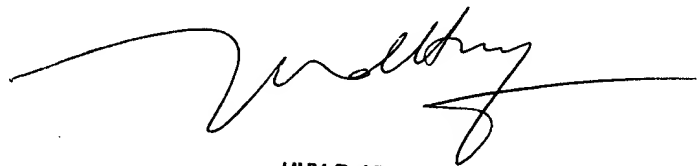
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Huy Vu** can be reached on (571) 272-3155.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/8/2006

Ricardo Pizarro



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600